

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

MORGAN R. BLAKE

CIVIL ACTION NO. 21-CV-2046

VERSUS

JUDGE TERRY A. DOUGHTY

JACOB BROWN, ET AL

MAG. JUDGE KAYLA  
MCCLUSKY

OPPOSITION TO JACOB BROWN'S  
MOTION TO DISMISS PURSUANT TO FRCP 12(B)

NOW INTO COURT, through undersigned counsel, comes Complainant, Morgan R. Blake, who respectfully opposes the Motion to Dismiss filed by Defendant, Jacob Brown. Complainant submits that Martin's Motion to Dismiss should be denied as the suit has not prescribed. Civil Code Article 3493.10 provides for a two year prescriptive period for an act described as a crime of violence under Title 14 of the Louisiana Revised Statutes.

It is further shown that the Request for Dismissal claiming that the allegations of the Complaint are conclusory and state no claim should be denied as Defendant seeks to dispute the factual allegations contained within the Complaint without the presentation of any evidence, nor any discovery steps having taken place. Defendant seeks to controvert the allegations which may not be done within a 12(B) motion to dismiss. It is further shown that any claimed defect can be cured through the discovery process.

WHEREFORE MOVER PRAYS that Defendant's motion be denied.



Respectfully submitted,

LAVALLE B. SALOMON, APLC  
700 North 2<sup>nd</sup> Street  
P. O. Box 14596  
Monroe, Louisiana 71207  
Telephone: (318) 387-1222  
Facsimile: (318) 387-1273  
ATTORNEY FOR COMPLAINANT

BY: //Lavalle B. Salomon//  
Lavalle B. Salomon - #8599

CERTIFICATE

I certify that an exact copy of the above and foregoing Opposition to Jacob Brown's Motion to Dismiss Pursuant to FRCP 12(B) has this date been forwarded via PACER to all counsel of record herein.

Monroe, Louisiana, this 26<sup>th</sup> Day of October, 2021.

/s/Lavalle B. Salomon/s/  
Lavalle B. Salomon